

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGANMark Samuel Johnson II

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

Kalamazoo County Jail**FILED - GR**

February 18, 2025 1:42 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY:JMW SCANNED BY: JSW / 2-18**1:25-cv-183**Robert J. Jonker - U.S. District Judge
Phillip J. Green - Magistrate Judge

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

COMPLAINT

(Print Clearly)

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$405.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

N/A

2. Is the action still pending? Yes ☐ No ☒
- a. If your answer was no, state precisely how the action was resolved: _____

N/A

3. Did you appeal the decision? Yes ☐ No ☒
4. Is the appeal still pending? Yes ☐ No ☒
- a. If not pending, what was the decision on appeal? N/A

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☒
- a. If so, explain: N/A

II. Parties**A. Plaintiff(s)**

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Mark Samuel Johnson II

Place of Present Confinement Kalamazoo County Jail

Address 1500 Lamont Street, Kalamazoo, MI, 49048

Place of Confinement During Events Described in Complaint Kalamazoo County Jail

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Kalamazoo County Jail

Position or Title Kalamazoo County Sheriff Dept.

Place of Employment Kalamazoo County Jail

Address 1500 Lamont Street, Kalamazoo, MI, 49048

Official and/or personal capacity? Official

Name of Defendant #2 Kalamazoo County Jail Medical staff McKenzie

Position or Title Nurse

Place of Employment Kalamazoo County Jail

Address 1500 Lamont Street, Kalamazoo, MI, 49048

Official and/or personal capacity? Official

Name of Defendant #3 Kalamazoo County Jail Medical staff Carrie

Position or Title Nurse

Place of Employment Kalamazoo County Jail

Address 1500 Lamont Street, Kalamazoo, MI, 49048

Official and/or personal capacity? Official

Name of Defendant #4 Kalamazoo County Jail Medical staff Shelly Lehman

Position or Title Head Nurse

Place of Employment Kalamazoo County Jail

Address 1500 Lamont Street, Kalamazoo, MI, 49048

Official and/or personal capacity? Official

Name of Defendant #5 Kalamazoo County Jail Sheriff Sergeant Erdos

Position or Title Sergeant of Sheriff's

Place of Employment Kalamazoo County Jail

Address 1500 Lamont Street, Kalamazoo, MI, 49048

Official and/or personal capacity? Official

III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

On a number of occasions, the Kalamazoo County Jail nursing staff overdosed me with medications I was prescribed by my doctor and by doing so I suffered mental impairment, seizures, pain and suffering, inconvenience, nose bleeds, other nonpecuniary damages, non economic losses to compensate for pain, mental retardation. Every morning and night county jail nurses Carrie and/or McKenzie would prepare and then pass out medications and would give me excessive meds that later caused me great anguish after taking. It was at their discretion but under head nurse Shelly Lehman's tutelage. This has been an ongoing occurrence since November 15, 2024 unto February 9, 2025. When I tried to notify the sergeant I was disregarded and made out to be a liar and troublemaker though I was honestly in dire need of medical help.

Claim 1:) Violation of 8th Amendment of United States Constitution by Sheriff Richard Fuller III, Capt. Beers, Lt. Faulk, Lt. Dziedzic, Head Nurse Shelly Lehman, Nurse Carrie, Nurse McKenzie, Sgt. Erdos for medical malpractice, cruel and unusual punishment for causing me inconvenience, mental impairment, seizures, nose bleeds, mental retardation, sufferings, other nonpecuniary damages and noneconomic losses to compensate for pain and sufferings, between 11-15-2024 through 2-10-2025.

Claim 2:) Violation of 14th Amendment of United States Constitution by Sheriff Richard Fuller III, Capt. Beers, Lt. Faulk, Lt. Dziedzic, Head Nurse Shelly Lehman, Nurse Carrie, Nurse McKenzie, Sgt. Erdos for negligence to extend me equal protection under the law by failing to give me adequate medical assistance and negligence of duty resulting in medical malpractice.

IV. Relief

State briefly and precisely what you want the court to do for you.

I would like compensatory damages, monetary damages, punitive damages, declaratory relief.

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

☐ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

☒ I request that this case be assigned to a district judge.

2/10/2025
Date

Mark Samuel Johnson II
Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

Mr. Mark Samuel Johnson II
1500 Lamont St.
Halamazoo, Mich 49048



ATTN:
U.S. District Court
399 Federal Building
110 Michigan St. N.W.
Grand Rapids, MI 49503